


PRE-APPEAL BRIEF REQUEST FOR REVIEW (filed with the Notice of Appeal)		Docket Number 042933/378783
Application Number 10/820,442	Filed April 7, 2004	
First Named Inventor: Mikko Makela		
Art Unit 2175	Examiner Andrew L. Tank	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p style="text-align: right;">Respectfully submitted,  Jonathan A. Thomas Registration No. 62,200</p> <p>Date <u>April 7, 2010</u></p> <p>Customer No. 00826 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Charlotte Office (704) 444-1000 Fax Charlotte Office (704) 444-1111</p> <p><small>ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON April 7, 2010. LEGAL02/31844049v1</small></p>		

ATTACHMENT

Reasons for Requesting Pre-Appeal Brief Request for Review

These remarks are hereby filed concurrent with a Pre-Appeal Brief Request for Review and following a final Office Action dated January 7, 2010. The Final Office Action rejects Claims 1-7 and 10-24 under 35 U.S.C. § 102(a) as being anticipated by Chen, Y., Ma, W.J., and Zhang, H.J. "Detecting Web Page Structure for Adaptive Viewing on Small Form Factor Devices," *Proceedings of the 12th international conference on World Wide Web (WWW 2003)*, May 20-24, 2003, Budapest, Hungary (hereinafter "Chen"). In view of the following remarks, Applicant respectfully submits that the claims are in condition for allowance.

The Rejection of Independent Claims 1, 14, 15, 32, 36, and 37.

Claim 1 recites, *inter alia* "wherein said at least partially dividing at least one page into a plurality of areas comprises element-wise rendering elements contained in said at least one page to obtain a rendered object with a maximum height and a maximum width, checking if a size of said rendered object exceeds a threshold, and forming an area from said rendered object if said threshold is exceeded[.]" The Office Action cites Chen, page 3, section 3.2.1 as anticipating this claimed feature. The cited disclosure recites "[w]e try to classify a node into one of the header, footer, left side bar and right side bar blocks. If it belongs to none of the above, then we check if it is small enough to be put into the body block. A pair of thresholds (one for width and the other for height) is used to determine whether a node is small enough. If the node exceeds the thresholds, it will be split further. The above process is iterated until all the nodes are classified into the five high-level blocks." Applicant believes that the Examiner has misinterpreted the claimed invention and misapplied the cited art. The claimed invention "obtain a rendered object with a maximum height and a maximum width, checking if a size of said rendered object exceeds a threshold, and forming an area from said rendered object if said threshold is exceeded[.]" Wherein forming an area is forming an area for display as outlined in the specification. Conversely, with regard to Chen, a pair of thresholds is used to determine if a node is small enough and if the node exceeds the thresholds, the node will be split. Then the split nodes will be subject to the iterative process outlined in section 3.2.1 of Chen wherein the node is classified into one of the five high level content blocks.

Further, Chen analyzes a page and divides it into content blocks, which the Examiner may understand to correspond to the aforementioned feature. However, as described in section 3, Chen divides a page by starting with the whole page and successively dividing the page into individual elements at the next lower level of the hierarchy until the lowermost level is reached. At each level, explicit and implicit separators (described in section 3.3 and 3.4 respectively) are detected and used to split content blocks as described in section 3.1 of Chen. Thus, Chen starts at the topmost level and progressively iterates downwards without knowing beforehand how many hierarchy levels there are to traverse. Consequently, the page division according to Chen is a top-down method and adheres to the layout hierarchy with which the page was created. This is also evidenced by the fact that, according to their respective position in the hierarchy, Chen classifies nodes as header, footer, left side bar, right side bar, or body as described in section 3.2.1.

The above claimed feature, on the other hand, describes a bottom-up approach that groups together the basic elements of a page up to a maximum height and width of the resulting rendered object. This is distinct from the approach of Chen, because according to this feature, the rendering of a group of elements into an object is – at least in this operation – independent of their structure within the hierarchy. Thus, Chen does not anticipate the claimed feature nor is it obvious in view of the disclosure of Chen.

Claim 1 further recites “checking if at least one edge of said formed area is not straight, and forming a smaller area from said rendered object if at least one edge is not straight.” The Office Action cites pages 3-4, section 3.2.2 and FIG. 6(a) of Chen as anticipating this feature. The Office Action recites “areas 1 and 2 do not form a straight edge, both cannot belong to header, a smaller area 2 is formed to belong to header region.” Applicant asserts that the Examiner has again misinterpreted the teachings of Chen and has improperly applied the teachings of the reference. Section 3.2.2 of Chen is directed to determining which node corresponds to the header. The method uses a threshold line at N pixels from the top of the display in which the header must reside. The value of N is variable. The nodes 1 and 2 of FIG. 6(a) do not share a common lower limit to convey the example described in section 3.2.2 in which the straight line, arranged N pixels below the top of the display is varied to determine which node to include in the header. If the node extends below the straight line N, the node is believed to not be part of the header. Thus, it is irrelevant whether the nodes have straight edges

or not and Chen is silent with respect to the edges of the nodes and their relative shape. A supplement to the method is to factor in the aspect ratio (width to height) of the node to determine which node is the header. Nowhere in the disclosure of Chen is disclosed any mention of "checking if at least one edge of a formed area is not straight[.]" as recited in the claim. Additionally, the formed areas of Chen (1 and 2 of FIG. 6(a)) are shown as straight which refutes the argument presented by the Examiner. The Office Action also notes that "areas 1 and 2 do not form a straight edge, both cannot belong to the header." This limitation is not taught or suggested and is contrary to the teachings of Chen. Chen discloses that there may be one or more header blocks in section 3.2 and Chen is silent as to how their edges may or may not align.

Because Chen proceeds from the page division given by the predefined layout (see page 3, paragraph 3), Chen does not consider if the resulting division results in straight edges or not. Since the original layout of the page is the authority for splitting the page, Chen is content to adopt the edges of the formed areas from the original layout and accordingly has no reason to deviate from this. Thus, Chen does not teach the aforementioned feature.

For at least the reasons above, Chen does not teach all of the features of claim 1 nor are these features obvious in light of the teachings of Chen. Therefore, claim 1 is patentably distinct from Chen and is in condition for allowance. Claims 14, 15, 32, 36, and 37 each recite similar features as those discussed with respect to claim 1 and thus, each is patentably distinct from Chen and are similarly in condition for allowance.

The Rejection of the Dependent Claims is Overcome

Because each of the dependent claims includes each of the recitations of a respective independent base claim, Applicants further submit that the dependent claims are patentably distinguishable from the cited references, taken alone or in combination, for at least those reasons discussed above. Accordingly, applicants respectfully submit that the rejections of the dependent claims are overcome and the dependent claims are in condition for allowance.